



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, NOV 26, 2007
7:00 P.M.**

OPENING MATTERS

**CALL TO ORDER
INVOCATION: TBA
PLEDGE OF ALLEGIANCE
ROLL CALL**

PROCLAMATIONS AND PRESENTATIONS

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on an agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes.

No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

APPROVAL OF AGENDA AND MINUTES

2. AGENDA: Council Meeting of November 26, 2007.

3. MINUTES: Council Meeting of November 13, 2007.

4. CONSENT AGENDA

Resolution- approving a Sewage Planning module for the Reading Eagle Company's facility expansion. **(Public Works)**

Resolution- authorizing the Mayor to sign and submit a Pennsylvania Department of Community and Economic Development Shared Municipal Services Program Grant Application to provide a Construction Code Training Program. **(Grants Coordinator)**

5. ADMINISTRATIVE REPORTS

6. FINANCE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

Tabled Pending Further Discussion:

Bill No. 16- amending the City of Reading Codified Ordinances by regulating advertisements for the sale of real estate in the City of Reading. **(Waltman/Goodman-Hinnershitz)** *Introduced and tabled at the 03/12/07 meeting of Council.*

Bill No. 58- amending Chapter 1 of the City of Reading Codified Ordinances, Charter Board Ordinance, Section 599.25: Enforcement, Violations and Penalties. **(Council Staff/Solicitor)** *Introduced at the 07/09/07 meeting of Council; tabled at the 07/23/07 meeting of Council pending discussion with the Charter Board.*

Bill No. 64- renaming of sections of River Road and Front Street – from Schuylkill Avenue to Riverfront Drive – to Riverfront Drive. **(Council Staff)** *Introduced at the 08/13/07 meeting of Council; tabled pending further discussion, at the 08/27/07 meeting of Council.*

Bill No. 65- amending the purchasing procedures contained in the City of Reading Codified Ordinances. **(Spencer)** *Introduced at the 08/13/07 meeting of Council; tabled at the 08/27/07 meeting of Council and referred to the Finance Committee for review.*

Bill No. 76- amending the City of Reading Zoning Ordinance to permit Fire Houses by Special Exception in R-PO (Residential Professional-Office), C-H (Commercial Highway), M-C (Manufacturing Commercial) and H-M (Heavy Manufacturing) Zoning Districts. **(Solicitor/Zoning Administration/Planning)** *Introduced at the 10/22/07 meeting of Council; tabled pending the holding of a public hearing and expiration of comment period.*

Bill No. 77- Repealing the Emergency Municipal Services Tax and enacting the Local Services Tax . **(Solicitor)** *Introduced at the 11/01/07 Special meeting of Council.*

Bill No. 78- Establishing the Capital Improvement Plan Budget for the City of Reading including revenues and Capital expenditures for the fiscal year beginning January 1, 2008 and ending December 31, 2008 *Introduced at the 11/01/07 Special meeting of Council; discussed at the 11/15/07 Public Hearing.*

10. INTRODUCTION OF NEW ORDINANCES

Ordinance- amending the Codified Ordinances of the City of Reading, Chapter 6, Part 4 Conduct, Subsection A. Prohibiting the discharge of firearms, by increasing the penalties assessed. **(Mayor)**

Ordinance- authorizing the Mayor to execute the condemnation settlement agreement for the parcel of land commonly known as the “Antietam Lake Property”. **(Solicitor)**

Ordinance- amending the Codified Ordinances of the City of Reading by adding to Chapter 10, Health and Safety, a Health and Safety Inspection Ordinance, which will require the inspection of all properties within the City of Reading after any sale or transfer of property.

Ordinance- vacating a portion of Wyomissing Avenue between Brookline Street and Lancaster Avenue. **(Solicitor)** *This Ordinance must lay over for a period of 28 days pursuant to 53 PS 37916*

All Budget Ordinances were introduced at the 11/01/07 Special Meeting of Council and have not satisfied the two week layover requirement.

Ordinance- Establishing the General Fund Budget for the City of Reading including revenues and expenses for the fiscal year beginning January, 1 2008 and ending December 31, 2008.

Ordinance- Establishing the Full-Time Employee positions for the City of Reading for the fiscal year 2008.

Ordinance- Levying the real estate taxes for the fiscal year beginning the first day of January, 2008 and ending the thirty-first day of December, 2008.

11. RESOLUTIONS

Resolution 124-2007 - supporting the adoption of the national cool cities climate protection agreement, which has been adopted by numerous municipalities across the country. **(Goodman-Hinnershitz)** *Tabled at the 9-10-07 meeting of Council and referred to the City Environmental Advisory Council*

Resolution- authorizing and directing the Solicitor, or his designee, to take all necessary and appropriate action required for the City of Reading to appeal the City of Reading Zoning Hearing Board's approval of a land use variance for 540 Penn Street (Appeal No. 2007-70). **(Council Staff)**

Resolution- denying the appeal on the Certificate of Appropriateness for 512-514 Chestnut Street. **(Council Staff/Solicitor)**

PUBLIC COMMENT - GENERAL MATTERS **COUNCIL BUSINESS / COMMENTS**

COUNCIL MEETING SCHEDULE

Committee of the Whole- Mon, November 26th, Council Office 5:00p.m.

Regular Meeting- Mon, November 26th, Council Chambers 7:00p.m.

Special Meeting of Council- Tue, November 27th, Council Chambers 5:00p.m.

Meeting with the Mayor- Wed, November 28th, Mayor's Office 4:00p.m.

Finance Committee-Mon, December 3rd, Council Office 5:00p.m.

Administrative Oversight Committee- Mon, December 3rd, Council Office 5:00p.m.

Meeting with the Mayor- Wed, December 5th, Mayor's Office 4:00p.m.

Housing Summit- Wed, December 5th, Council Chambers 6:00p.m.

District 1 Town Meeting- Thurs, December 6th, St. Constantine and Helen Greek Orthodox Church, 6:00p.m.

Committee of the Whole- Mon, December 10th, Council Office 5:00p.m.

Regular Meeting- Mon, December 10th, Council Chambers 7:00p.m.

Committee of the Whole- Mon, December 17th, Council Office 5:00p.m.

Regular Meeting- Mon, December 17th, Council Chambers 7:00p.m.

AGENDA MEMO

APPROVED BY:
D. J. CROPPER, Mayor

TO: City Council
FROM: Thomas M. McMahon, Mayor
PREPARED BY: Deborah A.S. Hoag, P.E.
MEETING DATE: November 26, 2007
AGENDA MEMO DATE: November 21, 2007
REQUESTED ACTION: Act on Resolution for Sewage Plan Revision for Reading Eagle Company's Addition

RECOMMENDATION

The Administration recommends that Council approve this resolution for a sewage plan module as the proposed connection does comply with the allocations and other aspects of the provision of Chapter 94 of State Statutes.

BACKGROUND

The Pennsylvania code requires municipalities to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes. The code also provides for the revision of the plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management.

Reading Eagle Company is planning to raze five existing buildings and a parking lot to construct a 35,810 square foot building addition on 1.94 acres on property bounded by Penn, Court, North 4th, and Carpenter Streets. Using Pennsylvania Department of Environmental Protection standards, the projected flow of 11,051 gallons per day is equivalent to 19 EDUs.

The Administration has determined that the land development described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and

water quality management. Upon review and approval by the City, the planning module will be sent to the Pennsylvania Department of Environmental Protection for final review.

BUDGETARY IMPACT

The original planning module fee of \$500 was deposited in the sewer revenue account.

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

RECOMMENDED BY

Utilities Division Manager, Public Works Director, Managing Director, and Mayor.

MOTION

Approve/Deny the resolution on the City Sewage Facilities plan revision modification for construction of Reading Eagle Company's addition.

RESOLUTION NO. _____

RESOLUTION FOR SEWAGE MODULE REVIEW FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE COUNCIL OF THE CITY OF READING, BERKS COUNTY,
PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L.1535, known as the "Pennsylvania Sewage Facilities Act", as amended and the Rules and Regulations of the Pennsylvania Department of Environmental Resources adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, Reading Eagle Company has proposed the development and construction of a building addition. This project is described in the attached Sewage Facilities Planning Module. It is proposed that this land development be served by sewer tap-ins.

WHEREAS, the City of Reading finds that the land development described in the attached Sewage Facilities Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Reading hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

PASSED COUNCIL _____ 2007

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

AGENDA MEMO

THOMAS McMAHON, MAYOR
LEON CHURCHILL, MANAGING DIRECTOR

TO: City Council
FROM: Jatinder S. Khokhar, Code Services Director
PREPARED BY: Cindy DeGroote, Grants Coordinator
MEETING DATE: November 13, 2007
AGENDA MEMO DATE: November 7, 2007
REQUESTED ACTION: Council approve a resolution to authorize the Mayor to sign and submit a Pennsylvania Department of Community and Economic Development Shared Municipal Services Program Grant Application to provide a Construction Code Training Program

RECOMMENDATION

The Administration recommends Council approve a resolution authorizing the Mayor to sign and submit a PA DCED Shared Municipal Services Program Grant application to request funding (\$21,000.00) of the total program cost (\$42,100.00) to provide code officials with a construction code training program.

BACKGROUND

In an effort to address newly enacted training and certification requirements for construction codes officials statewide, the City of Reading is taking a more aggressive approach to conform to Pennsylvania state codes by providing codes training courses to its officials. The Pennsylvania Department of Community and Economic Development Shared Municipal Services Program provides grant funds to promote cooperation between municipalities to foster increased efficiency and effectiveness in the delivery of municipal services at the local level. Grants of up fifty percent of the program cost may be awarded to groups of two or more municipalities acting in concert to defray the cost of performance of any local government function. The City will serve as the lead municipality in the proposal and will partner with the Borough of West Reading and the Borough of Wyomissing to provide needed construction codes training classes to each participating municipality's officials. The required local match (\$21,100.00) of the total

project cost (\$42,100.00) will be provided by a combination of funding. The amount of \$19,600.00 has been allocated through the City's General Fund. The remaining amount of \$1,500.00 has been allocated through the Borough of West Reading's budget (\$1,000.00) and the Borough of Wyomissing's budget (\$500.00).

BUDGETARY IMPACT

None

PREVIOUS ACTION

None

SUBSEQUENT ACTION

None

REVIEWED BY

Managing Director and Mayor

RECOMMENDED MOTION

Approve/Deny the resolution to authorize the Mayor to sign and submit a PA Department of Community and Economic Development Shared Municipal Services Program Grant application for a Construction Code Training Program.

City of Reading
Resolution No. _____

RESOLUTION AUTHORIZING THE CITY OF READING TO SUBMIT AN APPLICATION FOR PA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT SHARED MUNICIPAL SERVICES PROGRAM GRANT FOR FUNDING FOR A CONSTRUCTION CODE TRAINING PROGRAM.

WHEREAS, The City of Reading, the Borough of West Reading, and the Borough of Wyomissing will be operating an intermunicipal, cooperative project to provide code officials with construction code training, and

WHEREAS The City of Reading wishes to participate in said intermunicipal, cooperative project.

AND WHEREAS The Pennsylvania Department of Community and Economic Development makes available grants-in-aid to such projects through the Shared Municipal Services program,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Reading hereby authorizes the City of Reading to make application for such a grant on our behalf.

AND BE IT FURTHER RESOLVED that the City Council of the City of Reading hereby allocates municipal resources in the amount of \$19,600.00 to said project.

PASSED COUNCIL_____, 2007

PRESIDENT
CITY COUNCIL
CITY OF READING

ATTEST:

CITY CLERK

ORDINANCE NO. _____

AMENDING CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 24 TAXATION, PART 4, REPEALING PROVISIONS RELATING TO THE EMERGENCY AND MUNICIPAL SERVICES TAX AND ENACTING A NEW LAW TO BE ENTITLED LOCAL SERVICES TAX.

IT IS HEREBY ENACTED AND ORDAINED by the City Council of the City of Reading, Berks County, Pennsylvania, as follows:

SECTION I: The title and text of Chapter 24, Part 4, Emergency and Municipal Services Tax of Chapter 24 Taxation of the Code of Ordinances are hereby amended to state in entirety as follows:

PART 4

LOCAL SERVICES TAX

§ 24-401. Definitions.

The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context or language clearly indicates or requires a different meaning:

DCED - The Department of Community and Economic Development of the Commonwealth of Pennsylvania.

EARNED INCOME - Compensation as this term is defined in Section 13 [relating to earned income taxes] of the Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1257, § 13, as amended, 53 P.S. § 6913, as amended.

EMPLOYER - An individual, partnership, association, limited liability corporation, limited liability partnership, corporation, governmental body, agency or other entity employing one or more persons on a salary, wage, commission or other compensation basis, including a self-employed person.

HIS, HIM or HER - Indicates the singular and plural number, as well as male, female and neuter genders.

INDIVIDUAL- Any person, male or female, engaged in any occupation, trade or profession within the corporate limits of the City of Reading.

NET PROFITS -The net income from the operation of a business, profession; or other activity, as this term is defined in Section 13 [relating to earned income taxes] of the

Local Tax Enabling Act, the Act of Dec. 31, 1965, P.L. 1251, § 13, as amended, 53 P.S. § 6913, as amended.

OCCUPATION - Any trade, profession, business or undertaking of any type, kind or character, including services, domestic or other, earned on or performed within the corporate limits of the City of Reading for which compensation is charged or received; whether by means of salary, wages, commission or fees for services rendered.

POLITICAL SUBDIVISION – A county, city, borough, incorporated town or township.

TAX - The local services tax at the rate fixed in §24-402 of this article.

TAX MANAGER - The person designated by Council to administer and enforce the tax.

TAX YEAR - The period from January 1 until December 31 in any year; a calendar year.

TREASURER - The Director of Finance of the City of Reading.

§ 24-402. Levy of tax.

For specific revenue purposes, an annual tax is hereby levied and assessed, commencing January 1, 2008; upon the privilege of engaging in an occupation with a primary place of employment within the City of Reading during the tax year. Each natural person who exercises such privilege for any length of time during any tax year shall pay the tax for that year in the amount of \$52, assessed on a pro rata basis, in accordance with the provisions of this article. This tax may be used solely for the following purposes as the same may be allocated by the City of Reading from time to time: (1) emergency services, which shall include emergency medical services, police services and/or fire services; (2) road construction and/or maintenance; (3) reduction of property taxes; or (4) property tax relief through implementation of a homestead and farmstead exclusion in accordance with 53 Pa.C.S. Ch. 85, Subch. F (relating to homestead property exclusion). The City of Reading shall use no less than twenty-five percent of the funds derived from the tax for emergency services. This tax is in addition to all other taxes of any kind or nature heretofore levied by the City of Reading. The tax shall be no more than \$52 on each person for each calendar year, irrespective of the number of political subdivisions within which a person maybe employed.

§24-403. Penalty and Interest

Employers are required to remit the Local Services Tax thirty days after the end of each quarter of a calendar year. Payments made after this time will be charged a penalty of 10% and interest computed at 1% per month from the inception of the penalty period.

§ 24-404. Exemption and refunds.

A. Exemption. Any person whose total earned income and net profits from all sources within the City of Reading is less than twelve thousand (\$12,000) dollars, or less than \$1,000 for the school district for any calendar year in which the tax is levied, is exempt from the payment of the tax for that calendar year. In addition, the following persons are exempt from payment of the tax:

(1) Any person who has served in any war or armed conflict in which the United States was engaged and is honorably discharged or released under honorable circumstances from active service if, as a result of military service, the person is blind, paraplegic or a double or quadruple amputee or has a service-connected disability declared by the United States Veterans' Administration or its successor to be a total one hundred percent disability.

(2) Any person who serves as a member of a reserve component of the armed forces and is called to active duty at any time during the taxable year. For the purposes of this subparagraph, "reserve component of the armed forces" shall mean the United States Army Reserve, United States Navy Reserve, United States Marine Corps Reserve, United States Coast Guard Reserve, United States Air Force Reserve, the Pennsylvania Army National Guard or the Pennsylvania Air National Guard.

B. Procedure to Claim Exemption.

(1) A person seeking to claim an exemption from the local services tax may annually file an exemption certificate with the City of Reading and with the person's employer affirming that the person reasonably expects to receive earned income and net profits from all sources within the City of Reading of less than twelve thousand dollars (\$12,000) in the calendar year for which the exemption certificate is filed. An exemption certificate is to be provided to the City of Reading Tax Manager. The exemption certificate shall have attached to it a copy of all the employee's last pay stubs or W-2 forms from employment within the City of Reading for the year prior to the fiscal year for which the employee is requesting to be exempted from the tax. Upon receipt of the exemption certificate and until otherwise instructed by the City of Reading or except as required by clause (2), the employer shall not withhold the tax from the person during the calendar year or the remainder of the calendar year for which the exemption certificate applies. Employers shall ensure that the exemption certificate forms are readily available to employees at all times and shall furnish each new employee with a form at the time of hiring. The exemption certificate form shall be the uniform form provided by the City of Reading.

(2) With respect to a person who claimed an exemption for a given calendar year from the tax, upon notification to an employer by the person or by the City of Reading that the person has received earned income and net profits from all sources within the City equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year or that the person is otherwise ineligible for the tax exemption for that calendar year, or upon an employer's payment to the person of earned income within the municipality in

an amount equal to or in excess of twelve thousand dollars (\$12,000) in that calendar year, an employer shall withhold the local services tax from the person under clause (3).

(3) If a person who claimed an exemption for a given calendar year from the tax becomes subject to the tax for the calendar year under clause (2), the employer shall withhold the tax for the remainder of that calendar year. The employer shall withhold from the person, for the first payroll period after receipt of the notification under clause (2), a lump sum equal to the amount of tax that was not withheld from the person due to the exemption claimed by the person under this subsection, plus the per payroll amount due for that first payroll period. The amount of tax withheld per payroll period for the remaining payroll periods in that calendar year shall be the same amount withheld for other employees. In the event the employment of a person subject to withholding of the tax under this clause is subsequently severed in that calendar year, the person shall be liable for any outstanding balance of tax due, and the City of Reading may pursue collection under this article.

(4) Except as provided in clause (2), it is the intent of this subsection that employers shall not be responsible for investigating exemption certificates, monitoring tax exemption eligibility or exempting any employee from the local services tax.

C. Refunds. Any taxpayer eligible for a refund of the Local Services Tax due to a double deduction, an erroneous deduction or who became eligible for an exemption within a calendar year may request a refund. Any request for refund under this section shall be filed in writing with the Tax Manager and shall be in accordance with 53 Pa.C.S.A. §§ 8425 and 8426. No refunds shall be made for amounts overpaid in a calendar year that do not exceed one dollar (\$1).

§ 24-405. Duty of employers to collect.

A. Each employer within the City of Reading, as well as those employers situated outside the City of Reading but who engage in business within the City of Reading, is hereby charged with the duty of collecting the tax from each of his employees engaged by him or performing for him within the City of Reading and making a return and payment thereof to the Treasurer. Further, each employer is hereby authorized to deduct this tax for each employee in his or her employ, whether said employee is paid by salary, wage or commission and whether or not all such services are performed within the City of Reading.

B. A person subject to the tax shall be assessed by the employer a pro rata share of the tax for each payroll period in which the person is engaging in an occupation. The pro rata share of the tax assessed on the person for a payroll period shall be determined by dividing the rate of the tax levied for the calendar year by the number of payroll periods established by the employer for the calendar year. For purposes of determining the pro rata share, an employer shall round down the amount of the tax collected each payroll period to the nearest one-hundredth of a dollar. Collection of the tax shall be made on a payroll period basis for each payroll period in

which the person is engaging in an occupation, except as provided in Paragraph D of this Section. For purposes of this paragraph, combined rate shall mean the aggregate annual rate of the tax levied by the school district and the municipality.

C. No person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period.

D. In the case of concurrent employment, an employer shall refrain from withholding the tax if the employee provides a recent pay statement from a principal employer that includes the name of the employer, the length of the payroll period and the amount of the tax withheld and a statement from the employee that the pay statement is from the employee's principal employer and the employee will notify other employers of a change in principal place of employment within two weeks of its occurrence. The employee's statement shall be provided on the form approved by DCED.

E. The tax shall be no more than fifty-two dollars (\$52) on each person for each calendar year, irrespective of the number of political subdivisions within which a person may be employed. The City of Reading shall provide a taxpayer a receipt of payment upon request by the taxpayer.

F. No employer shall be held liable for failure to withhold the tax or for the payment of the withheld tax money to the City of Reading if the failure to withhold taxes arises from incorrect information submitted by the employee as to the employee's place or places of employment, the employee's principal office or where the employee is principally employed. Further, an employer shall not be liable for payment of the local services tax in an amount exceeding the amount withheld by the employer if the employer complies with the provisions of Paragraph B of Section 24-404 of this article and this section and remits the amount so withheld in accordance with this article.

G. Employers shall be required to remit the local services taxes thirty days after the end of each quarter of a calendar year.

§ 24-406. Returns.

Each employer shall prepare and file a return showing a computation of the tax on forms to be supplied to the employer by the City of Reading. If an employer fails to file the return and pay the tax, whether or not the employer makes collection thereof from the salary, wages or commissions paid by him or her to an employee, except as provided hereafter in this article, the employer shall be responsible for the payment of the tax in full as though the tax had been originally levied against the employer.

§ 24-407. Dates for determining tax liability and payment.

In each tax year, each employer shall use his or her employment records to determine the number of employees from whom such tax shall be deducted and paid

over to the Treasurer on or before the thirtieth day following the end of each calendar quarter of each such tax year.

§ 24-408. Self-employed individuals.

Each self-employed individual who performs services of any type or kind or engages in any occupation or profession within a primary place of employment within the City of Reading shall be required to comply with this article and pay the pro rata portion of the tax due to the Treasurer on or before the thirtieth day following the end of each quarter.

§24-409. Individuals engaged in more than one occupation or employed in more than one political subdivision.

A. The situs of the tax shall be the place of employment on the first day the person becomes subject to the tax during each payroll period. In the event a person is engaged in more than one occupation, that is, concurrent employment, or an occupation which requires the person working in more than one political subdivision during a payroll period, the priority of claim to collect the local services tax shall be in the following order:

(1) First, the political subdivision in which a person maintains his or her principal office or is principally employed;

(2) Second, the political subdivision in which the person resides and works if the tax is levied by that political subdivision;

(3) Third, the political subdivision in which a person is employed and which imposes the tax nearest in miles to the person's home.

In case of dispute, a tax receipt of the taxing authority for that calendar year declaring that the taxpayer has made prior payment constitutes prima facie certification of payment to all other political subdivisions.

§ 24-410. Nonresidents subject to tax.

All employers and self-employed individuals residing or having their places of business outside of the City of Reading but who perform services of any type or kind or engage in any occupation or profession within the City of Reading do, by virtue thereof, agree to be bound by and subject themselves to the provisions, penalties and regulations promulgated under this article with the same force and effect as though they were residents of the City of Reading. Further, any individual engaged in an occupation within the City of Reading and an employee of a nonresidential employer may, for the purpose of this article, be considered a self-employed person, and in the event his or her tax is not paid, the City of Reading shall have the option of proceeding against either the employer or employee for the collection of this tax as hereinafter provided.

§ 24-411. Administration of tax.

A. It shall be the duty of the Tax Manager to accept and enforce this tax and to keep a record thereof showing the amount and date received by each employer or self-employed person.

B. The Tax Manager is hereby charged with the administration and enforcement of this article and is hereby charged and empowered, subject to municipal approval, to proscribe, adopt and promulgate rules and regulations relating to any matter pertaining to the administration and enforcement of this article, including provisions for the examination of payroll records of any employer subject to this article, the examination and correction of any return made in compliance with this article and any payment alleged or found to be incorrect or as to which overpayment is claimed or found to have occurred. Any person aggrieved by any decision of the Tax Manager shall have the right to appeal to the Court of Common Pleas of Berks County as in other cases provided.

C. The Tax Manager is hereby authorized to examine the books and payroll records of any employer in order to verify the accuracy of any return made by an employer or, if no return was made, to ascertain the tax due. Each employer is hereby directed and required to give the Tax Manager the means, facilities and opportunity for such examination.

§ 24-412. Suits for collection.

A. In the event that any tax under this article remains due or unpaid 30 days after the due dates above set forth, the Tax Manager may sue for the recovery of any such tax due or unpaid under this article, together with interest and penalty as provided in Section 24-403. Where suit is brought for the recovery of this tax or other appropriate remedy undertaken, the individual liable therefore shall, in addition, be responsible and liable for the costs of collection.

§ 24-413. Violations and penalties.

Whoever makes any false or untrue statement on any return required by this article, or whoever refuses inspection of the books, records or accounts in his or her custody and control setting forth the number of employees subject to this tax who are in his or her employment, or whoever fails or refuses to file any return required by this article shall be guilty of a violation and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. The action to enforce the penalty herein prescribed may be instituted against any person in charge of the

business of any employer who shall have failed or who refuses to file a return required by this article.

§ 24-414. Interpretation.

A. Nothing contained in this article shall be construed to empower the City of Reading to levy and collect the tax hereby imposed on any occupation not within the taxing power of the City of Reading under the Constitution of the United States and the laws of the Commonwealth of Pennsylvania.

B. If the tax hereby imposed under the provisions of this article shall be held by any court of competent jurisdiction to be in violation of the Constitution of the United States or of the laws of the Commonwealth of Pennsylvania as to any individual, the decision of the court shall not affect or impair the right to impose or collect said tax or the validity of the tax so imposed on other persons or individuals as herein provided.

SECTION 2: Except as set forth hereafter, all ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing herein shall be construed to repeal the imposition and collection of an occupation privilege tax, plus applicable penalties and interest, for calendar year 2008 and all prior calendar years, or of an emergency and municipal services tax, plus applicable penalties and interest, for calendar years 2009 and 2010, as the same exist prior to this amendment.

SECTION 3: The tax imposed by this Ordinance shall be effective on January 1, 2008 and all calendar years thereafter unless repealed or modified by Ordinance of the City Council.

SECTION 4: In all other respects, Chapter 24 [Taxation] of the Code of the Codes of Ordinances of the City of Reading shall remain as heretofore enacted, ordained and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

ENACTED AND ORDAINED this ___ day of _____, _____.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE ESTABLISHING THE CAPITAL IMPROVEMENT PLAN BUDGET FOR THE CITY OF READING INCLUDING REVENUES AND CAPITAL EXPENDITURES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2008 AND ENDING DECEMBER 31, 2008.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The budgeted revenues and expenses for the Capital Improvement Plan of the City of Reading for the fiscal year beginning January 1, 2008, and ending December 31, 2008, shall be as set forth in Exhibit A attached hereto and made a part hereof.

SECTION 2. This ordinance shall be effective January 1, 2008.

Enacted _____, 2007

President of Council

Attest:

City Clerk

Submitted to Mayor: _____
Date: _____

Received by the Mayor's Office: _____
Date: _____

Approved by Mayor: _____
Date: _____

Vetoed by Mayor: _____
Date: _____

2008 Capital Improvement Budget Summary

	Debt Financing
Fire Penn Street Fire Station	2008 \$2,500,000
PW Public Property Stadium High Mast Painting	2007 \$50,000
PW Public Property City Hall Brass Restoration	2007 \$75,000
CD Outdoor Furnishings	2007 \$60,000
IT Hansen Dynamic Portal	2008 \$286,000
PW Recreation 3rd & SPRING Playground Renovation	2008 \$80,000
PW Recreation Baer Park Field House Renovation	2008 \$50,000
IT Hardware	2008 \$126,000
IT Software	2008 \$365,000
HR Security City Hall	2008 \$30,600
Planning Green Roof for City Hall	2008 \$336,000
Council Multimedia Upgrade Council Chambers	2008 \$250,000
Redevelopment Acquisition	2007 \$60,000
Public Property Stadium Field Lighting Upgrades	2008 \$443,000
	<hr/>
TOTAL	\$4,268,600

A N O R D I N A N C E

AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING CHAPTER 6, PART 4 CONDUCT, A. PROHIBITING THE DISCHARGE OF FIREARMS AND RENUMBERING ACCORDINGLY.

**NOW, THEREFORE THE COUNCIL OF THE CITY OF READING
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Amending the Codified Ordinances Chapter 6, Part 4 Conduct, A. Prohibiting the Discharge of Firearms and renumbering accordingly as attached hereto as Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted _____, 2007

Vaughn D. Spencer, President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

A. Prohibiting the Discharge of Firearms

§6-401. Definitions

As used in this Part, the following words shall have the meanings indicated:

Discharge – The expulsion of a projectile from a Firearm or the operation of a Firearm in such a manner so as to lead one to reasonably conclude by sight or sound, that a projectile was expelled from a Firearm. If the Firearm used is capable of the expulsion of a projectile, its firing alone shall be sufficient to constitute a discharge and no further proof of the expulsion of a projectile shall be necessary.

Firearm -- Any device which is designed and intended to expel a projectile by action of gun powder, any other explosive, compressed air, compressed gas or mechanical device including, any device which, when discharged, would by sound or otherwise, (1) lead another to reasonably conclude by sight or sound that the device expelled a projectile or (2) give the appearance of the expulsion of a projectile even though no expulsion of a projectile occurred. By way of example and not limitation, items that are to be considered Firearms under this Article include guns, pistols, rifles and shotguns. The definition of "Firearm" shall not be deemed to include items that are traditionally considered to be children's toys when used in the manner for which they were designed. The definition of "firearm" shall not include starter pistols when used in the manner in which they were intended; i.e. to signify the start of a race or other similar event.

~~§6-401.~~ §6-402. Discharge of Firearms Prohibited.

Except in necessary defense of person or property, or as provided in the exceptions set forth in Subsection A of this part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the City.

(Ord. 14-2001, 5/29/2001)

A. The following acts shall not constitute a violation as set forth in §6-402:

1. The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including but not limited to active operations, training exercises and ceremonies.

2. The discharge of a firearm for purposes of hunting or other activities regulated by and conducted in accordance with the Game and Wild Life Code of Pennsylvania.

3. The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the City of Reading.

4. The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Chief of Police of the City of Reading.

~~§6-402.~~ §6-403. Use of Air Rifles, Bow and Arrows or Similar Devices Restricted.

Except as provided in Subsection A. of this part it shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the City, except as provided in §6-413 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

(Ord. 14-1001, 5/29/2001)

A. The following acts shall not constitute a violation as set forth in §6-403:

1. The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including but not limited to active operations, training exercises and ceremonies.

2. The discharge of a firearm for purposes of hunting or other activities regulated by and conducted in accordance with the Game and Wild Life Code of Pennsylvania.

3. The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the City of Reading.

4. The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Chief of Police of the City of Reading.

§6-404. Permits for limited discharge of firearms

The Chief of Police of the City of Reading may issue a permit to allow the limited discharge of firearms for events or activities within the City of Reading, upon application of the party responsible for the organization or promotion of such event or activity. The Chief of Police shall only issue a permit once he/she has determined in his/her judgment that adequate safety measures have been or will be taken such that the discharge of firearms during the event or activity will not pose a significant risk to the health and safety of the residents of the city, or the participants and spectators during the event or activity. The issuance of a permit under this section shall not be unreasonably withheld or delayed. By way of example and not limitation, the events or activities for which permits may be issued include target shooting competitions or demonstrations, fireworks demonstrations and block shoots.

~~§6-404.~~ §6-405. Penalties for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be fined \$500.00 for each offense and the cost of prosecution and shall be ordered to pay restitution, in an amount determined by the court, for damages to person or properties suffered by a victim as a result of the violation of this Part and shall serve a term of imprisonment of 90 days. Each Discharge as defined herein shall constitute a separate and distinct offense and sentences therefore shall be imposed for each offense and may not run concurrently but must run consecutively to each other. The fines collected by the district justice for a violation of provisions of this Article shall be paid over to the City of Reading

BILL NO. _____-2007

AN ORDINANCE

AN ORDINANCE OF THE CITY OF READING SETTING FORTH THE SALARY OF THE HUMAN RESOURCES DIRECTOR.

SECTION 1. COMPENSATION. The salary of the Human Resources Director, CHRISTINE WHEELEN, shall be EIGHTY THOUSAND DOLLARS (\$80,000) per annum, payable in equal bi-monthly installments.

SECTION 2. BENEFITS. CHRISTINE WHEELEN shall receive benefits accorded to other non-union management/professional personnel of the City.

SECTION 3. REPEALER. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective ten days after Council's confirmation.

Passed Council _____, 2007

President of Council

Attest:

City Clerk

BILL NO. _____-200__

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE THE CONDEMNATION SETTLEMENT AGREEMENT FOR THE PARCEL OF LAND COMMONLY KNOWN AS THE "ANTIETAM LAKE PROPERTY".

WHEREAS, the City of Reading previously owned a certain parcel of land commonly referred to as "Antietam Lake Property" which consists of approximately 560 acres surrounding and including Antietam Lake and situated mostly in Lower Alsace Township, Berks County, PA, which was the subject of a condemnation proceeding initiated by the County of Berks on or about December 15, 2005;

WHEREAS, the City of Reading desires to settle said condemnation proceeding and ensure said premises will be available for the benefit of the citizens of the City of Reading and Berks County in the best and most comprehensive way;

WHEREAS, the City of Reading intends that said settlement contain certain provisions and/or covenants determined to be in its best interests including, but not limited to, preservation and designation as Berks County Parks land as set forth in the November 21, 2005 Antietam Lake Property Offer from the County of Berks to the City of Reading (attached) and/or the Condemnation Settlement Agreement (attached);

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor of the City of Reading is hereby authorized to formally execute the Condemnation Settlement Agreement (attached as Exhibit).

SECTION 2. This Ordinance shall be effective ten (10) days after adoption pursuant to City of Reading Home Rule Charter Article II Section 219.

Enacted _____, 2007

President of Council

Attest:

City Clerk

BILL NO. _____ 2007

AN ORDINANCE

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING BY ADDING TO CHAPTER 10 – HEALTH AND SAFETY THE HEALTH AND SAFETY INSPECTION ORDINANCE AND REQUIRING THE INSPECTION OF ALL PROPERTIES WITHIN THE CITY OF READING AFTER ANY SALE OR TRANSFER OF THE PROPERTY.

WHEREAS, substandard and deteriorated properties have had a detrimental effect upon the safety and stability of City neighborhoods, creating environmentally undesirable and detrimental conditions that risks the health, safety and well being of City residents and neighboring communities; and

WHEREAS, improving the safety and stability of all City neighborhoods through periodic inspection of all properties, commercial, industrial and residential, in the City to ensure that such premises conform to the City's Property Maintenance Code and other applicable laws; and

WHEREAS, inspection of all properties, commercial, industrial and residential, in the City as established by this ordinance, will protect occupants from dangerous and substandard environments and will create neighborhood stability that will improve the quality of life and a desirable community for all people who live and work in the City of Reading.

THEREFORE THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances of the City of Reading by adding to Chapter 10 - Health and Safety the Health and Safety Inspection Ordinance which requires the inspection of all properties, residential, commercial and industrial, as attached in Exhibit A.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

EXHIBIT A

PART 12 HEALTH AND SAFETY INSPECTION ORDINANCE

§10-1200. Declaration of Purpose. The City Council finds that the establishment of a periodic inspection program for all City properties, commercial, industrial and residential, is necessary to protect the public health, safety, and welfare by ensuring the proper maintenance of all City buildings, by identifying and requiring correction of substandard conditions, and by preventing conditions of deterioration and blight that could adversely affect economic conditions and the quality of life in the Reading.

§10-1201. Definitions.

AGENT - any person who for monetary or other consideration aids a seller in the sale of property. Whenever used in any clause prescribing or imposing a penalty, the term "agent," as applied to partnerships and associations, shall mean the partners or members thereof and, as applied to corporations, the officers thereof. Liability shall be limited to failure to notify the seller of the obligations imposed by this Part.

AGREEMENT - written agreement or written instrument which provides the City with the ability to perform a Health and Safety Inspection.

BUYER - an individual who acquires legal or equitable title pursuant to an agreement of sale.

CERTIFIED INSPECTOR - an individual certified by the Codes Enforcement Office to perform health and safety inspections. Such inspector shall, at a minimum, be certified as per Pennsylvania State Law in the relevant passages of the Pennsylvania Consolidated Statutes Title 68, Real and Personal Property, Part III, Residential Real Property, Chapter 75, Home Inspections.

CITY INSPECTOR - an employee or contractor engaged by the City of Reading to do, among other things, health and safety inspections.

CODES OFFICE - City of Reading Codes Enforcement Office.

CORRECTIVE DIRECTION or DIRECTION - a written notice issued by the Codes Enforcement Office directing any repair or remediation, corrective or other action relating to any deficiencies as set forth in a report which may include a time frame within which any such action must be taken.

DEFICIENCIES - those items indicated on a health and safety inspection report which require repair, remediation or corrective action and/or are hazardous conditions.

DWELLING UNIT or UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

INDIVIDUAL - Any person, partnership, association, corporation or other entity.

OCCUPANCY CERTIFICATE – the [certificate](#) issued by the City of Reading to the owner of a building indicating that the building is in proper condition to be occupied.

PROPERTY – all commercial, industrial and residential buildings within the City of Reading and any and all building or other improvement(s) on the subject property.

REHAB PLAN – work plan to correct the dwelling unit’s deficiencies identified by the Codes Enforcement Office.

RENTAL DWELLING - A building arranged, designed, and intended to provide two (2) or more dwelling units. Individual dwelling units may share party walls with other units and either have common outside access areas or have individual outside access areas. Types of such buildings shall include, but shall not be limited to, townhouses, apartments, and/or condominiums.

REPORT ACKNOWLEDGEMENT - a written document acknowledging responsibility to correct any deficiencies set forth in a report.

HEALTH AND SAFETY INSPECTION REVIEW- an inspection to determine the condition of a property in accordance with such standards of minimum habitability and safety as shall be determined by the Codes Enforcement Office, which report shall designate such conditions as require repair or remediation and those that present a hazardous condition for the current use of the property. A health and safety inspection report shall be valid for a period of 6 months from the date of such inspection.

HEALTH AND SAFETY INSPECTION REPORT or REPORT - a report issued by a City Inspector setting forth the results of a Health and Safety Inspection which shall include the designation of such conditions as shall require repair or remediation and any hazardous conditions.

REHABILITATION (“REHAB”) PLAN - a buyer (or in the event a sale is not consummated, a Seller), may, in the event they deem they cannot meet the time frames to correct any violations as set forth in any correction directive from the Codes Enforcement Office specifying the time frame for the repair or remediation of any deficiencies, may request in writing that the Code Enforcement Office extend the correction or remediation time or times set forth in such correction directive. Such request shall specify the reasons for such request(s) and the suggested time frames for such correction(s) or remediation. If accepted by the Codes Enforcement Office, the party requesting same shall be bound to complete the work within the time frame as agreed to by the Codes Enforcement Office. If not accepted by the Codes Enforcement Office, the work shall be completed within the time frame set forth in the correction directive.

SALE - the transfer of any legal or equitable interest in or title to property, including exchanges of properties.

SELLER - the owner of the property that will be transferred or sold.

(Ord. 64-2005, 10/10/2005, §1)

SETTLEMENT – the culmination of a particular transaction involving real property which results in the transfer or conveyance of a property from one party to another.

SINGLE FAMILY DWELLING – a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. A single unit may be incorporated within a series of row homes sharing a common fire wall. Types of such buildings shall also include mobile and modular units.

§10-1202. Health and Safety Inspection Required.

1. A Health and Safety Inspection shall be completed in accordance with the provisions of this Part within six months of the settlement of any industrial, commercial or residential real estate property within the City of Reading, except solely where the sale occurs within 6 months of the date of issuance of a code compliance letter. At the time an agent undertakes to represent a seller in the sale of property, the agent shall inform the seller of the requirements of this Part.
2. At settlement the buyer shall sign an agreement that will initiate the inspection of the commercial, industrial or residential property. A copy of this agreement will be mailed to the City of Reading Codes Enforcement Office
3. The Codes Enforcement Office shall, within 15 business days from the receipt of the agreement or inspection request from the property owner or buyer, shall schedule an inspection of the residential dwelling.
4. Upon the completion of a health and safety review report, a copy of the report shall be personally delivered to or mailed by certified mail, return receipt requested, to the property. A copy of this report shall also be filed in the Codes Enforcement Office.
5. At any time after the receipt of the report, the Codes Enforcement Office may undertake such further actions or inspections as it deems appropriate consistent with the applicable Ordinances of the City of Reading including, but not limited to, a full inspection for any applicable codes compliance and/or the issuance of a correction directive based upon the report to repair or remediate or otherwise correct any deficiencies indicated in the report within such time as may be set forth in the correction directive.
6. In the event a correction directive is issued, the property owner or buyer may request a rehab plan. The Codes Enforcement Office shall, within 15 days of receipt of a request for rehab plan, indicate in writing whether the plan is acceptable and, if any provisions are not acceptable, indicate what modified time periods, if any, would be acceptable. The property owner shall be bound to make any corrections or undertake any such remediation as set forth in the correction directive in the time frame set forth in the

correction directive, subject to any modification in the correction directive as may be accepted by the Codes Enforcement Office.

7. Any review report shall remain valid for a period of 6 months from the date of such report and may be relied upon during such period for the purposes of this Part.

§10-1203. – Inspection Procedure: Upon receipt of the agreement, the Codes Enforcement Office shall, within fifteen (15) business days, schedule an inspection of the property to determine compliance with minimum standards and requirements as listed below; however, these minimum standards shall not be limited to other significant safety hazards that may be identified by the inspector during the inspection:

- Each dwelling unit must have a smoke detector installed on each floor level;
- An existing acceptable 60 ampere service, or a minimum 100 ampere three (3) wire electric service, must be installed for the dwelling;
- All kitchen countertop receptacles and bathroom receptacles must be ground fault circuit interrupter protected;
- No basement or cellar may be used for habitable bedroom units;
- All properties must be supplied with clearly identifiable numbers (minimum of 4 inches tall) outside the property, in clear view of the street, designating the street number of the property;
- No illegal sewer/water connections, as defined under the applicable City policies;
- The property must be free from peeling or chipped paint
- The property must be free from infestation of insects or vermin.
- The property must have the proper permits and licenses if being used for anything other than single family owner occupied purposes
- The property must have a sufficient number of storage containers for solid waste
- Complies w/ Roommate Housing Ordinance or has previously obtained approval and registered as a non-conforming use from said requirement.
- Property, if used for rental purposes, has 1.5 off street parking spaces per unit or has received a Variance from the Zoning Hearing Board.
- Proof of Property Insurance
- Copy of valid trash removal contract

§10-1204. Fees.

1. Administration Fee. The fee for processing a health and safety inspection performed by a certified inspector: \$50.

2. City Inspection Fee.

a. Residential properties: The fee for a health and safety inspection by a Codes Enforcement Inspector at a residential structure shall be: \$150 plus any other associated administrative fees and costs, plus \$50 per unit for each unit in excess of three (3) units up to and including twenty four (24) units.

b. High Rise Structures: The fee for a health and safety inspection by a Codes Enforcement Inspector at a High Rise structure shall be: \$500 up to and including the 4th floor, plus \$75 for every 1,000 square feet additional area to be inspected, due to the increased time needed and additional elements to check, such as but not limited to the fire alarm systems, fire suppression systems, stair enclosures and stair pressurization, elevator recall, elevator shafts, etc.)

c. Commercial properties: The fee for a health and safety inspection by a Codes Enforcement Inspector at a commercial structure shall be: \$500 for all spaces up to 5,000 square feet, plus an additional \$50 for every additional 1,000 square feet to be inspected.

d. Combination Residential/Commercial properties: The fee for a health and safety inspection by a Codes Enforcement Inspector at a commercial structure shall be: \$150 for up to 2,000 square feet of commercial space to be inspected and \$50 for each additional 1,000 square feet of space, in addition to the \$150 fee for a residential property, up to three (3) units

e. Freezer Boxes: The fee for a health and safety inspection by a Codes Enforcement Inspector at a Freezer Box shall be: \$150 for up to 2,000 of space to be inspected and \$50 for each additional 1,000 square feet of space.

All Health and Safety Reviews at Commercial or Combination Residential/Commercial structure shall be done by a City Trades Inspector (Building, Electrical, Plumbing, HVAC, at a minimum).

An additional \$250 fee will be charged for more than one scheduled recheck at all properties.

3. All associated fees shall be paid to the Codes Enforcement Office prior to the time of the inspection. Notwithstanding the foregoing, buyer and seller shall not be prohibited from privately agreeing that buyer will reimburse seller for such fees.

§10-1205. Penalty.

1. Failure to sign an Agreement at settlement: \$500 and eviction from property if owner refuses take corrective actions.
2. Failure to submit to an inspection, as described in §10-1202 and associated with this ordinance: \$1000 and eviction from dwelling.
3. Failure to correct deficiencies identified in the report and/or within the terms of the rehab plan: \$1000 and eviction from dwelling.
4. Agent's failure to inform the seller about the terms of this Part shall be fined \$500.

§10-1206. Regulations - Forms.

The Codes Enforcement Office is hereby authorized to establish regulations, consistent with the provisions of this Part, to prepare and distribute forms to implement this Part and to set such criteria and provide for the qualifications and training as to applicable City ordinances and regulations of certified inspectors and to do any and all other acts as are necessary to implement the terms of this Part.

§10-1207. Liability of City/Buyer/Inspector.

1. The issuance of a review report is not in any way a representation or guarantee by the City or the City Inspector that the property is without violations or in compliance with the applicable ordinances and codes. Any such review shall not be deemed a "codes" inspection" and is intended solely for the use of the City and is not intended to replace or supplement any private inspection of the condition of the property as may be deemed desirable by the property owner or other entities.
2. Neither the enactment of this Part nor the preparation and delivery of any document pursuant hereto shall impose any liability upon the City inspector or any errors or omissions contained in any report nor shall the City, City inspector bear any liability not otherwise imposed by law. The owner of any property shall remain wholly liable for compliance with the City's Property Maintenance Code, Trades Codes, the Zoning Ordinances and any and all other applicable ordinances of the City.
3. Nothing herein shall be deemed to prevent a buyer and seller from entering into an agreement between them that the seller will reimburse buyer for or undertake the cost of any necessary renovations or repairs to make the property compliant with the City Property Maintenance Code or other ordinances.

BILL NO. _____

AN ORDINANCE

AMENDING THE TOPOGRAPHICAL MAP OF THE CITY OF READING BY VACATING / ALTERING IN PART EAST WYOMISSING BOULEVARD BETWEEN LANCASTER AVENUE AND BROOKLINE STREET, REVISING, PERMANENTLY, THE TRAFFIC PATTERN AND REGULATIONS OF THE CITY OF READING TO ADD THE RESTRICTION OF ONE-WAY TRAVEL, NORTHBOUND, ON EAST WYOMISSING BOULEVARD FROM / BETWEEN LANCASTER AVENUE AND / TO BROOKLINE STREET AND TO PROHIBIT PARKING BY NON-EMERGENCY VEHICLES ON EAST WYOMISSING BOULEVARD FROM / BETWEEN LANCASTER AVENUE AND / TO BROOKLINE STREET

WHEREAS, 53 P.S. §37916 requires an adoption of an Ordinance of council to vacate a street;

WHEREAS, City of Reading Codified Ordinance Section 15-102 requires all permanent traffic regulations occur by Ordinance;

WHEREAS, the City of Reading desires to construct a firehouse at 101 Lancaster Avenue;

WHEREAS, 101 Lancaster Avenue abuts East Wyomissing Boulevard;

WHEREAS, East Wyomissing Boulevard requires alteration thereto between / from Lancaster Avenue and / to Brookline Street to permit construction of a firehouse at 101 Lancaster Avenue;

WHEREAS, the Department of Public Works of the City of Reading has recommended the requisite alterations to East Wyomissing Boulevard between / from Lancaster Avenue and / to Brookline Street to permit construction of a firehouse at 101 Lancaster Avenue;

WHEREAS, the City of Reading Planning Commission by Resolution No. ____-____ adopted _____, 2007, recommended that the said alterations be approved;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The topographical map of the City of Reading shall be amended by modifying, narrowing, altering and amending East Wyomissing Boulevard in the City of Reading between Lancaster Avenue and Brookline Street as follows:

East Wyomissing Boulevard between / from Lancaster Avenue and / to Brookline Avenue. Street presently sixty-six feet (66') shall be narrowed to forty feet (40') from eastern curb line to new building line creating a distance of twenty-six feet (26') feet between curb lines per design approved by City of Reading Engineer;

AND

Travel of traffic on East Wyomissing Boulevard shall be altered to add a one-way direction of travel restriction between / from Lancaster Avenue and / to Brookline Avenue. Said one-way restriction of travel on East Wyomissing Boulevard between / from Lancaster Avenue and / to Brookline Avenue shall be solely in a north/northwest bound direction.

AND

To prohibit parking of all non-emergency vehicles along East Wyomissing Boulevard between / from Lancaster Avenue and / to Brookline Avenue.

SECTION 2. The Director of the Department of Public Works and/or the City Engineer is hereby authorized and directed to enter and record the above-described change in the Topographical Survey Book of Streets in the Department of Public Works. S/he is further directed to take all necessary steps to ensure proper signage of the aforesaid alterations to East Wyomissing Boulevard.

SECTION 3. The City Solicitor is authorized and directed to take such further steps in court or elsewhere as may be necessary to carry out the provisions of this Ordinance.

SECTION 4. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed, insofar as they are inconsistent with this Ordinance.

SECTION 5. This Ordinance will become effective in ten (10) days, in accordance with Charter Section 219.

RESOLUTION NO. _____-2007

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Solicitor for the City of Reading or his designee is hereby authorized and directed to take all necessary and appropriate action required for the City of Reading to appeal the City of Reading Zoning Hearing Board's approval of a land use variance for 540 Penn Street (Appeal No. 2007-70), owned by Dr. Pepen Lazaro & Tejada Sunilda and operated by Angel Figueroa President, Puerto Rican Latin Association. The approval is a land use variance, under Zoning Ordinance §27-814, allowing the use of social club and the transfer of liquor license and cultural center at this building located in the Penn Square Overlay Zoning District.

Passed Council _____, 2007

President of Council

Attest:

City Clerk
(City Clerk/City Solicitor)

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS
FOLLOWS:

Denying the appeal on the Certificate of Appropriateness, as
attached, for 512-514 Chestnut Street, Roberto & Silbia Huertas
owner/applicant .

Adopted by Council _____, 2007

Vaughn D. Spencer, President of Council

Attest:

Linda A. Kelleher, City Clerk

Appeal of Historic Architectural Review Board Certificate of Appropriateness

IN THE MATTER OF	§	BEFORE THE
ROBERTO & SILBIA HUERTAS,	§	CITY OF READING
RESPONDENTS,	§	CITY COUNCIL
512-514 CHESTNUT STREET	§	

FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND AGREED RESOLUTION

On Monday, October 29, 2007 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) on the Certificate of Appropriateness for the installation of a six foot high wooden stockade fence and concrete pad at 512-514 Chestnut Street, owned by Roberto & Silbia Huertas (respondent) and located in the Prince Historic District. A quorum of the Council was present. By majority vote the Council determined there was credible evidence to uphold the decision of HARB and deny the appeal, on the terms proposed in this order.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is a political subdivision under the City of Reading Codified Ordinances Chapter 4, Part 1 – Historic Districts. The HARB is a board of 7 duly qualified members.
2. The respondent appeared before the August 21, 2007 HARB meeting and requested that the Board issue a Certificate of Appropriateness for the installation of a six foot high wooden stockade style fence and concrete pad at 512-514 Chestnut Street. The respondent's request was denied by HARB, as the project does not comply with the standards set by the Secretary of Interior and the proper permits were not obtained from HARB and the City Codes Division.
3. The respondent requested an appeal hearing before City Council the week of September 21, 2007. The respondent was advised of the hearing date in a letter dated October 9, 2007.
4. City Council took testimony from the respondent and the Historic Preservation Specialist at the hearing held on Monday, October 29, 2007.

5. The respondent stated that as his house borders a dead-end alley way, he installed the fence to provide screening and increase the security for his family.
6. The respondent stated that he was unaware that his home was located in a Historic District and he was unaware of the need to obtain permits prior to the start of a construction project.
7. The Respondent provided photographs that were marked as Exhibit A.
8. The respondent asked Council to consider his appeal to the HARB Decision, noting that he should have studied the neighborhood more carefully before purchasing the house.
9. The Historic Preservation Specialist explained that originally the HARB Board compromised with Our City Reading, agreeing to the installation of a four foot gothic, picket style fence. She explained that the Secretary of the Interior Guidelines frowns upon the use of closed style fencing that does not match the architectural style of the property. The use of wrought iron fencing is the recommended choice. However, when considering Our City Reading's request for a fence, the HARB Board expressed the belief that a taller fence would increase security issues as it would shield illegal activities. HARB thereby agreed to compromise by approving the four foot gothic, picket style fence.
10. The Historic Preservation Specialist stated she discovered the six foot stockade style fence around 512-514 when investigating another complaint in the area. She also saw that a concrete pad and a large above ground swimming pool were present. Both require additional permits from City departments and offices. The Respondent removed the pool after receiving the violation notice.
11. The Historic Preservation Specialist provided photographs and the HARB meeting minutes which were marked as Exhibits A and B, respectively.

Conclusions of Law

The Respondent violated the City of Reading Codified Ordinances Chapter 4 Buildings, Section 4-107 - Required Permits and Certificates and the Standards set by the Secretary for the Interior for the Commonwealth of PA for properties located within approved Historic Districts.

Order and Agreed Resolution

The City of Reading City Council hereby denies the appeal to the Certificate of Appropriateness and orders the Respondent and the Historic Preservation Review Board to work together to find a compromise suitable to both parties. City Council further hereby orders the Respondent to remove the six foot stockade fencing. City Council suggests that the Historic Architectural Review Board and Respondent consider a six foot gothic, picket style shadowbox fence as a suitable replacement.

Right to Appeal

If you disagree with the decision of City Council made pursuant to the provisions of this Part you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.